

MAINE MICROWAVE ASSOCIATES

Ronald J. Dorler
President
Ralph R. Sargent
Vice President/General Manager

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street N.W., Room 222
Washington, D.C. 20554

11/20/95

Re: WT Docket No. 95-157 RM 8643

Dear Acting Secretary Caton:

Maine Microwave Associates is a private carrier microwave provider with a 2 GHZ, 600 channel analog microwave system comprised of 7 links operating between Portland and Bangor, Maine. We were one of if not the first private carrier Microwave Carrier licensed by the FCC in 1987.

Because of the rural nature of the State of Maine, our system and the frequencies that will be included in the relocation process fall into all of the frequency blocks in the overall PCS frequency scheme. Therefore we will be negotiating with PCS licensees, known and unknown in all of the blocks.

The City of Portland is included in the Boston MTA and was included in the "A" and "B" block auctions, the winners being Wireless L.P. (now STV) and AT&T. It would appear, however that Portland is not high on the list of priorities for early build out for either company. We did immediately contact both licensees on April 20, 1995 (see attached letters). We were contacted by representatives of STV on Oct. 6, 1995, (see attached letter) who are interested in replacing 1 link only in the middle of our 7 link system. We have yet to hear from AT&T.

Our concerns with the proposed rule changes in light of our own experiences to date along with our understanding of the proposed changes are both positive and negative as follows:

Negotiation Framework. We feel very strongly that during the voluntary period that we should be freely allowed to negotiate any and all terms and conditions that are mutually acceptable to both parties. The voluntary period should be at least two years for each PCS block licensee. We have already expended considerable money, time and energy away from our regular course of business on this matter, including engineering, legal fees and travel. We feel we should be reimbursed for these expenses along with "comparable facilities",

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if we are relocated either voluntarily or involuntarily. We have read with great interest in trade magazines and journals about so-called "greenmail" and incumbents trying to gouge PCS licensees with demands such as \$ 1 million dollars for one link. Upon careful examination in a given case, however, our experience in the real world shows that \$ 1 million dollars per link may be conservative just based on equipment costs.

Example: 1 link with 300 analog channels.
300 channel modems with term cards
@ \$2,400.00 per channel = \$720,000
plus 2 Hot Switch Over radios with
antennae and transmission lines,
\$280,000 = \$ 1 million dollars.

Furthermore, most PCS licensees asking microwave incumbents to relocate voluntarily also ask for the waiver of all FCC protections, including our right to relocate back to 2 GHZ if the alternative facilities prove to be inadequate. This too, requires us to build-in additional redundancy to ensure that the new facilities are reliable. These expenses, all caused by the PCS industry should be fully reimbursable. We are the "little guys" trying to survive. The PCS licensees should have done their homework before bidding, if in fact they did not, to discover the true costs of relocation. We believe that with their vast resources, and muscle, they have attempted to convince the Commission to "change the rules of the game" before playing the game. We fully support changes that are fair to both the incumbents and PCS licensees that will improve and expedite the relocation process, we do not support attempts to present a one sided self serving debate on relocation.

Cost Sharing. We support this concept in principal because it greatly improves the ability of both the incumbents and PCS licensees to negotiate a successful conclusion to relocation, including but not limited to systemwide replacement. We believe the proposed \$250,000 reimbursement cap per link to be arbitrarily low in light of our previous remarks and the example given and also in light of what some links may actually cost to replace. The proposed dollar figure may be fine for radio replacement but should

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not include ancillary equipment such as multiplex equipment, channel banks, term cards and modems.

Systemwide Integrity. We firmly believe we cannot live with a piecemeal, link by link solution to our system replacement. Because the bulk of our system is in blocks "C" through "F", we are uncertain even to the extent of who we will be dealing with, given auction delays, or when negotiations will take place. Further, we presently have a "total" system provided by one manufacturer. The equipment is very reliable, is hot switch over and has not been down since we started operation in 1988. One technician with one set of spares and singular training, support and test equipment is able to maintain the entire system. We are extremely concerned about being forced to accept on a link by link basis, multiple vendor radio equipment, provide multiple equipment technical training, and provide multiple spares and test equipment. Our particular company needs a systemwide solution to stay in business and remain profitable. STV for example has offered to negotiate and replace one link only in the middle of our system. Clearly at this point in today's world of technology we would desire the replacement to be digital equipment, meaning we would wind up with a network that would consist of analog to analog interfaced to digital to digital interfaced to analog to analog. Systemwide reliability, integrity, complexity, serviceability and operation would be greatly compromised.

Replacement Equipment. Maine Microwave has spent slightly over \$ 2 million in 1985 dollars to construct our system, not including channelization equipment or other soft costs. We were encouraged to construct and operate our system based upon the FCC's rule changes creating private carriers such as ourselves in order to conserve spectrum whereby we could provide microwave service to private businesses and others, eligible to operate microwave systems in their own right, thereby avoiding a proliferation of private microwave systems. In the 7 short years we have operated the system, we have not been able to recover our investment and the technology has

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changed dramatically. It is through no fault of our own that the Commission decided to reassign our frequency band for PCS use. We hailed that decision because the rules you created for relocation seemed to protect our investment and interests. Without the advent of PCS and looming relocation we could happily exist for another fifteen or twenty years with our present equipment and fully recover our investment and be profitable. However, since we are being forced to relocate we believe its is not only fair, but just and proper to be allowed to advance our equipment to current technology, digital, without being forced to increase our investment. To do so would very simply "put us out of business". Further, we believe given analog channelization costs versus digital channel bank costs, that it actually would be less expense for the PCS licensees to provide digital replacement systems.

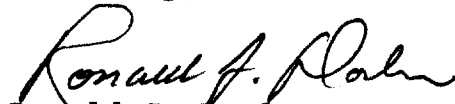
License Issues. We believe the Commission should offer more flexibility given to incumbents regarding primary status. Due to the numerous individuals involved in the engineering and construction of our system who have come and gone during the last 7 years since we were originally licensed by the FCC, it is possible that administrative errors may have occurred beyond our control which could possibly lead us to lose primary status if corrected. We for example, used U.S. Geological 15 minute series topographical maps when licensing our sites. Today, 7.5 minute series maps are widely available allowing greater accuracy in calculating co-ordinates. When engineering and designing a microwave system, quite often changes in location or elevation of one site requires changes in location and elevations at other sites. It is possible to discover much later, computational errors of a magnitude greater than one or two seconds in geographic location, based upon using a different map scale, on a given path or license. We feel more latitude should be given to incumbents in the process of correcting honest mistakes without forfeiting primary status.

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Sunset Provision. In light of our experience of not even being contacted yet by one of the PCS licensees, seven months after the beginning of the voluntary negotiation period, along with the auction delays, we can envision a scenario whereby the sunset provision would cause us to be forced into a piecemeal solution without ever having negotiations with some of the PCS licensees in our system area. We feel that if a sunset provision is required at all it should be 10 to 15 years after all of the auctions have been held and all of the players are known. We should not be forced under any circumstances to pay for our own relocation or be put out of business just because we are in a rural area which may be of less interest for build out purposes by the PCS licensees.

Thank you for the opportunity of having input to you on this matter.

Sincerely,


Ronald J. Dorler
President

enclosures

cc: The Honorable Reed E. Hunt
The Honorable James A. Quello
The Honorable Andrew C. Barrett
The Honorable Rachelle B. Chong
The Honorable Susan Ness

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TELECOMMUNICATIONS
ENGINEER
CHARLES F. TURNER
WRITER'S DIRECT DIAL NUMBER

April 20, 1995

(202) 434-4210

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cathleen A. Massey
AT&T Wireless
PCS, Inc.
1150 Connecticut Avenue, N.W.
4th Floor
Washington, D.C. 20036

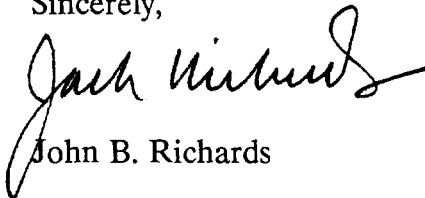
Re: PCS Negotiations

Dear Ms. Massey:

On behalf of our client, Maine Microwave Associates ("MMA"), the purpose of this letter is to provide notification, pursuant to Section 94.59 of the Rules and Regulations of the Federal Communications Commission ("FCC"), that MMA is an incumbent licensee of Private Operational-Fixed Service ("POFS") stations operating in the frequency band 1850-1990 MHz within the Boston MTA. 47 C.F.R. § 94.59. As you know, the FCC's rules contain specific requirements regarding the protection, relocation, replacement or purchase of private microwave facilities that will be affected by PCS services.

As the recent auction winner of PCS Block "A" for the Boston MTA, AT&T Wireless is requested to contact the undersigned directly in connection with any plans to implement PCS within the MMA area of operations. Your prompt attention to this matter would be appreciated.

Sincerely,



John B. Richards

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Jay C. Keithley
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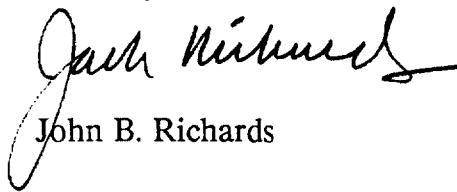
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As the recent auction winner of PCS Block "B" for the Boston MTA, WirelessCo L.P. is requested to contact the undersigned directly in connection with any plans to implement PCS within the MMA area of operations. Your prompt attention to this matter would be appreciated.

Sincerely,


John B. Richards



SBA, Inc. • Wireless Communications Consultants

National & International

6001 Broken Sound Parkway • Suite 400
Boca Raton, Florida 33487 USA
Fax: (407) 995-7626 • Phone: (407) 995-7670

October 6, 1995

Ron Dolar
Maine Microwave Ass.
220 Riverside Industrial Parkway
Portland, ME 04103
(207)878-2107

Dear Ron:

SBA Inc. is a telecommunications consulting firm. We are contacting you on behalf of our client **Sprint Telecommunications Venture (formally known as WirelessCo)**.

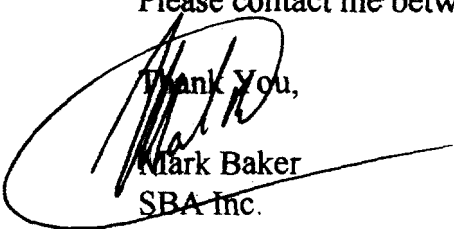
Recently the FCC auctioned certain frequencies in the 2 GHz range. Our client was a successful bidder at the FCC auction in the South Florida area. During a search through the FCC database we discovered that you are an incumbent carrier of a portion of the spectrum that our client has just been awarded. The intention of this letter is to inform you that we will be acting on our client's behalf to assist you in the smooth migration of your frequency to a satisfactory replacement location. Our client is prepared to finance the move by paying any reasonable expenses incurred as a result of the move. These expenses will include the costs of any radio equipment, engineering, installation, and FCC filing that are necessary for the frequency relocation of your system.

Although this may otherwise be an inconvenience to your company, it is our client's intention to make this transition as problem free as possible.

Call Sign	Name	Frequency	Call Sign	Name	Frequency
WNER420	Hedgehog	1875	WNER422	Grove St.	1955

I have attached information detailing the specific regulations regarding microwave relocation.

Please contact me between the hours of 8:30 a.m. and 5:30 p.m. EST. at (407)995-7670.



Thank You,

Mark Baker
SBA Inc.